

REMARKS:

Before this amendment, claims 1-9 have been pending and claims 1 and 6 stand rejected on obviousness grounds. After amendment, claims 1, 3, 5-6 and 8-12 are pending. Claims 2-5 and 7-9 were objected to for being dependent on rejected claims. In response, claims 2, 4, and 7 are cancelled and rewritten as independent claims 10, 11 and 12, respectively, containing the original language of the base claim and any intervening claims, as suggested by the Examiner. No new matter has been added to these re-drafted claims. Claims 3, 5, 8 and 9 have been amended to adjust dependency accordingly, for the new claims. Hereinbelow, Applicants discuss the cited art and explain how claims 1 and 6 are not obvious in view thereof. Reconsideration and allowance is respectfully requested.

REJECTION UNDER 35 U.S.C. § 103(a):

Claim 1 was rejected under 35 U.S.C. §103(a) on obviousness grounds based on Lehtonen in view of Djordjevic. However, the elements as claimed and their operation differ from the disclosures of Lehtonen and Djordjevic and *prima facie* obviousness does not exist. The claims recite a “combination valve (15) for pressure control and venting” but neither reference (Lehtonen or Djordjevic) describes such an arrangement. The cited references are merely pressure relief valves, and do not have a venting capability or function that is separate and apart from the pressure relief function.

Lehtonen fails to vent by action of lifting a “secondary cone” from a “support surface...by the air pressure” as described in paragraph 20 of the specification and claimed as elements “second spring element (31) having a lower spring constant than the first spring element” (so that) “displacement of the secondary valve against the action of [this] second spring element [leads to] opening of a connection between the inlet duct and a venting duct” as recited in claim 1. Lehtonen lacks the second spring element with this action to open a venting duct and lacks this venting duct because the purpose and construction of the Lehtonen value is directed to a very different problem, namely as merely a pressure relief valve. The Lehtonen pressure relief

value does not have these features, which are necessary for the second claimed function of venting air.

The Djordjevic reference also lacks these claimed features. The Djordjevic pressure relief valve also fails to provide the missing element of the “second spring element” and “having a lower spring constant than the first spring element.”

Both references lack these claimed elements and both fail to provide the claimed dual function. No mixing or matching of elements from the two references provide the un-described function as claimed, the undescribed features as claimed, or solve the problem of a dual function, venting valve, as claimed.

The office action, at page 2, middle portion, asserts that “Djordjevic teaches using a main spring to control primary pressure relief” but neither reference teaches the dual use of two springs simultaneously with the second spring element having a lower spring constant, as recited for the dual use of air venting. The fact that both references include a spring does not motivate one to add a second spring with the proscribed characteristics with respect to a first spring and this element is simply lacking from either reference.

Because a prima facie case of obviousness does not exist, reconsideration and removal of this rejection respectfully are requested.

REJECTION UNDER 35 U.S.C. § 103(a):

Claim 6 was rejected under 35 U.S.C. §103(a) on obviousness grounds.

§103(a) on obviousness grounds over Lehtonen in view of Djordjevic and Bartlett

Claim 6 is not obvious in view of a combination of Lehtonen and Djordjevic as described above. Claim 6 differs from claim 1 by applying the combination valve of claim 1 to a system, and furthermore locates the combination valve “in a vertically elevated position.” Neither of the cited references teach the dual use of springs with the second spring element having a lower spring constant as claimed in claim 1. Bartlett actually teaches a different spring constant consideration that if anything, leads away by stressing an entirely different condition for spring tensions (column 3 lines 29-33: “spring rates of the two springs” and “fuel temperature” are considerations for adjusting fuel flow rate for the entirely different problem of handling the effect of temperature and fuel type on fuel flow rate.

The degree of tension and degree of spring tension control are very different between the dual springs use to vent gas and the use by Bartlett to accommodate cold temperatures and alternative fuels, by restricting fuel flow accordingly. Venting of gas employs an entirely different set of parameters and nothing in the references leads to a lower spring constant for the second spring element as claimed. Accordingly *prima facie* obviousness is lacking.

Claim 6 includes the element “valve (15) is located in a vertically elevated position in the fuel system.” This element is not described *per se* by any reference. Accordingly, *prima facie* obviousness does not exist for claim 6 based on lack of this element. Bartlett describes a valve 17 that is “conveniently disposed on the housing of the high pressure pump” (column 2 lines 19-21) but this is not necessarily elevated, is not the entire fuel system and is not even “vertically elevated.” Accordingly, without more, this element does not exist in the references. And of course, inherency is not found (necessary but undescribed existence of this element) and would not be relevant to an obviousness determination.

Serial No.: 10/709,063
Confirmation No.: 3062
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The references address and solve different problems using different solutions. For example, Bartlett is concerned with modulating fuel flow rate/pressure to accommodate fuel types and cold temperatures. The need for vertical elevation in the fuel system itself is not presented. Instead, fuel flow around via "by-pass" to a "return conduit" (column 2 lines 49-52, column 4 lines 52-58 for example) is carried out, not venting of gas in the manner described and claimed.

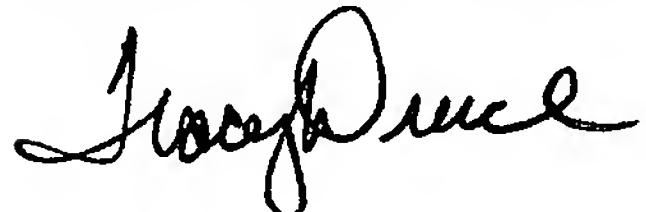
In view of the above, Applicant submits that the requirement and burden of presenting of a *prima facie* case of obviousness under 35 USC §103 has not been presented. Therefore Applicant requests the reconsideration and withdrawal of the rejection of claims 1 and 6 under 35 USC §103 and that the Examiner indicate the allowance of the claims in the next paper from the Office.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, Order No. 07589.0162.PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner should directly contact the undersigned by phone to further the discussion.

Respectfully submitted,



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